IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 14TH JULY 2006 / 23RD ASHADHA,1928

Bail Appl..No. 4127 of 2006

(CRIME NO.231/2006 OF SASTHAMCOTTAH POLICE STATION)

PETITIONERS/ACCUSED:

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1. SHIBU, S/O. BABU,
   SHIJU BHAVANAM, KOVOOR MURI, MYNAGAPPALLY VILLAGE,
   SASTHAMKOTTA, KOLLAM DISTRICT.

2. SHIJU, S/O. BABU,
   SHIJU BHAVANAM, KOVOOR MURI, MYNAGAPPALLY VILLAGE,
   SASTHAMKOTTA, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
SASTHAMCOTTAH POLICE STATION, KOLLAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4127/2006

DATED THIS THE 14TH DAY OF JULY, 2006

O R D E R

The petitioners are the accused, in crime No.231/2006 of Sasthamcottah Police Station. The offence alleged against them are under Sections 452, 354 and 427 IPC read with Section 34 IPC. It is alleged that the accused had trespassed into the house of the defacto complainant and attempted to assault the complainant. They also caused damages to the ventilators and broken the window panes. Hence the petitioners are before this Court, under Section 438 Cr.P.C.

2. It is submitted that the second petitioner is continuously undergoing treatment for Thyroid complaints. I had gone through the laboratory records and find that he is having mild thyroid complaints. However, I am unable to accept the arguments of the learned counsel that the second petitioner is suffering from any carcinoma.

3. After considering the materials on record, I direct the petitioners to surrender before the investigating officer of Sasthamcottah Police Station, on 21.7.2006 between 10.30 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioners and thereafter, produce them before the Judicial Magistrate of First Class, Sasthamcottah, as per the law. On such production, if any application(s) for bail is filed by the petitioners, the learned Magistrate shall release them on bail, imposing such conditions, which are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs